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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,683	07/02/2004	Markus Gerardus Van Doorn	2002P01062WOUS	6582
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS				
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510				
EXAMINER				
ANDRAMUNO, FRANKLIN S				
ART UNIT		PAPER NUMBER		
2424				
NOTIFICATION DATE		DELIVERY MODE		
09/12/2012		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action **Before the Filing of an Appeal Brief**

Application No.

10/500,683

Applicant(s)

VAN DOORN, MARKUS
GERARDUS

Examiner

FRANKLIN ANDRAMUNO

Art Unit

2424

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 08/08/2012 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.
- Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).*

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- b) ☐ They raise the issue of new matter (see NOTE below);
- c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____, (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☐ will not be entered, or (b) ☒ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(f).
9. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached information Disclosure Statement(s). (PTO/SB/08) Paper No(s): _____
13. ☐ Other: _____

STATUS OF CLAIMS

14. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2424

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues on page 11 first paragraph, "Ficco fails to teach, disclose or suggest retrieving --- input documents, sending at least one of the output documents, or performing the at least one instruction comprised in the output documents. Examiner respectfully disagrees. Ficco teaches on (column 6 lines 20-36) if a trigger is activated due to an event like an alarm (i.e. due to a malfunction of a device) the STB may run the program content routine in the script to turn off the device and inform the user (such as by sending an e-mail message to his/her PALM PILOT, beep a pager etc). It is also envisioned that STB could be configured to dial 911 if the alarm condition is determined to be an emergency condition. As a result, Ficco clearly teaches sending, performing at least one instruction or retrieving a response output to a user due to a trigger event. In addition, Asghar teaches on (column 3 lines 21-27) a control unit configured to receive status information from the appliances such as current power status of a lamp. Control unit may also be used to turn on or off coffee maker. Therefore, Asghar teaches receiving input document reflecting the status of the respective application device. Examiner also points out that under KSR ruling all feature of a known element can be combined to yield predictable results. In addition, it would have been obvious at the time of the invention to combine Ficco, Asghar and Humpleman because the result of this arrangement yields in a predictable outcome. The test for determining patentability is defined by the supreme court ruling in KSR, where a prima facie case of obviousness can be established by showing that the elements of the claims can be and could be combined to yield predictable results.

Applicant argues on page 11 fourth paragraph, "Asghar fails to teach, disclose or suggest retrieving input documents, sending at least one of the output documents, or performing the at least one instruction comprised in the output document." Examiner respectfully disagrees. This limitation was taught by both Ficco and Asghar as explained in the previous paragraph.

Applicant further argues on page 12 second paragraph, "Humpleman does not teach, disclose or suggest generating output documents comprising at least one the at least one instruction." Examiner again disagrees. Humpleman teaches on (column 20 lines 1-8) each home device on the home network has a list of data specifications associated with it. For example, DVCR that has been instructed to "output video", i.e. transmit a video signal, broadcasts the video signal on a particular isochronous stream. Therefore, Humpleman clearly teaches generating output video (document) signals when instructed.

Lastly, applicant argues on page 12 third paragraph, "Ficco, Asghar and Humpleman fail to teach controlling a plurality of application devices including at least one participating in a user experience." Examiner again disagrees. Humpleman teaches on (column 16 lines 32-45) the invention is possible to operate with a number of software agents representing devices which are capable of controlling lights, for example. In such an environment, the user would select both a control device, which is not a source or a server of information, and one or more light devices to be controlled. Therefore, Humpleman clearly teaches controlling a plurality of application devices including at least one participating in a user experience.